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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,907	08/06/2003	Tsutomu Yoshimi	011350-315	7355

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BUCHANAN, INGERSOLL & ROONEY PC  
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EXAMINER
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PHANTANA ANGKOOL, DAVID

ART UNIT	PAPER NUMBER
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2179

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/634,907

Applicant(s)

YOSHIMI ET AL.

Examiner

David Phantana-angkool

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration:
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-13 are objected to because of the following informalities:  
  
**As for independent claim 1**, the phrase "modifying the size" and "modifying the layout" lack clear antecedent.  
  
**As for independent claim 5**, the phrase "modifying the size" and "modifying the layout" lack clear antecedent.  
  
**As for independent claim 6**, the phrase "modifying the size" and "modifying the layout" lack clear antecedent.  
  
**As for independent claim 7**, the phrase "modifying the size" and "modifying the layout" lack clear antecedent.  
  
**As for independent claim 12**, the phrase "modifying the size" and "modifying the layout" lack clear antecedent.  
  
**As for independent claim 13**, the phrase "modifying the size" and "modifying the layout" lack clear antecedent.
2. Any claim not specifically addressed, above, is being objected as incorporating the deficiencies of a claim upon which it depends.  
  
Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 2, 5-7, 9, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Taguchi, US# 6,720,951 B2.**

**As for independent claim 1:**

Taguchi shows a data input device for displaying a group of key images on a display screen and when an input designation area is designated on said display screen corresponding to a display area for each key image belonging to said group of key images, entering data assigned to said key image, comprising:

- *a key image size modifying unit for modifying the size of a first key image among said group of key images (Figure 5, "see # 22 'Call", Example 2, 5:45- 6:14);*
- *a key image layout modifying unit for modifying the layout of said group of key images with modifying the size of said first key image (Figure 5 shows modifying the layout of the key images);*
- *a key image display modifying unit that reduces the size of a second key image among said group of key images when it becomes impossible to display all the key images belonging to said group of key images simultaneously on said display screen as a result of modifying the size of said first key image (Taguchi shows the size of the layout can be freely changed, 2:45-52, 6:48-52).*

**As for dependent claim 2:**

Taguchi shows a *data input device described in claim 1, wherein a touch panel is used (3:64-66).*

**As for independent claim 5:**

Taguchi shows a data input method for a data input device for displaying a group of key images on a display screen and when an input designation area is designated on said display screen corresponding to a display area for each key image belonging to said group of key images, entering data assigned to said key image, comprising:

- *a step of modifying the size of a first key image among said group of key images (Figure 5, "see # 22 'Call", Example 2, 5:45- 6:14);*

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- *a step of modifying the layout of said group of key images with modifying the size of said first key image (Figure 5 shows modifying the layout of the key images);*
- *a step of reducing the size of a second key image among said group of key images when it becomes impossible to display all the key images belonging to said group of key images simultaneously on said display screen as a result of modifying the size of said first key image (2:45-52, 6:48-52).*

**As for independent claim 6:**

Claim 6 contains similar substantial subject matter as claimed in claim 6 and is respectfully rejected along the same rationale.

**As for independent claim 7:**

Taguchi shows a data input device for displaying a first group of key images on a display screen and when an input designation area is designated on said display screen corresponding to a display area for each key image belonging to said first group of key images, entering data assigned to said key image, comprising:

- *a key image size modifying unit for modifying the size of a first key image among said first group of key images (Figure 5, "see # 22 'Call", Example 2, 5:45- 6:14);*
- *a key image layout modifying unit for modifying the layout of said first group of key images with modifying the size of said first key image (Figure 5);*
- *a key image display modifying unit for displaying a second key image for selecting and designating data to be entered from data assigned to key images belonging to a second group of key images in place of the second group of key images among said first group of key images when it becomes impossible to display all the key images belonging to said first group of key images simultaneously on said display screen as a result of modifying the size of the first key image (2:11-21).*

**As for dependent claim 9:**

*A data input device described in claim 7, wherein a touch panel is used (3:64-66).*

**As for independent claim 12:**

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Taguchi shows a data input method for a data input device for displaying a first group of key images on a display screen and when an input designation area is designated on said display screen corresponding to a display area for each key image belonging to said first group of key images, entering data assigned to said key image, comprising:

- *a step of modifying the size of a first key image among said first group of key images; a step of modifying the layout of said first group of key images with modifying the size of said first key image (Figure 5, "see # 22 'Call", Example 2, 5:45- 6:14);*
- *a step of displaying a second key image for selecting and designating data to be entered from data assigned to key images belonging to a second group of key images in place of the second group of key images among said first group of key images when it becomes impossible to display all the key images belonging to said first group of key images simultaneously on said display screen as a result of modifying the size of the first key image (2:45-52, 6:48-52).*

**As for independent claim 13:**

Claim 13 contains similar substantial subject matter as claimed in claim 12 and is respectfully rejected along the same rationale.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the

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examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**7. Claims 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi, US# 6,720,951 B2 in view of Ausems et al., US PG Pub. # 2003/0013483 (hereinafter Ausems).**

**As for dependent claim 8:**

Taguchi does not specifically show *a data input device described in claim 7 wherein said second key image is to select and designate the data to be entered either by means of scrolling or a pull-down.*

However it is well known in the art to display the key images by selecting and designating the data entered by means of scrolling or pull-down menu as shown by Ausems et al., US PG Pub. #

2003/0013483. The above limitation would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Taguchi data input device with the well known implementation as shown by Ausems, thus allowing the user to select and designate the data by scrolling or pull-down menus of the data input device.

**8. Claims 3, 4, 10 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi, US# 6,720,951 B2 in view of Czyszczeewski et al, US# 6,980,312 B1 (hereinafter Czyszczeewski).**

**As for dependent claims 3, 4:**

Taguchi shows a data input device for displaying a group of key images on a display screen. The user may modify the key images as shown in Figure 5. Taguchi does not specifically show an image processing device comprising: *at least two items selected from a group consisting of an image reading device for obtaining image data by reading document images, a printing device for printing the image data; and a transmitting device for transmitting the image data; and a data input device described in 1.* In the same field of displaying key images to the user Czyszczeewski teaches the above deficiencies as shown in Fig. 9A, see "copy/print, scan and email". Both Taguchi and Czyszczeewski shows touch screen display unit and key layout for the user to select. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the customizable key layout displayed on a display screen as shown by Taguchi to incorporate the functionalities of Czyszczeewski, thus allowing the user to control additional functions provided by Czyszczeewski from the display screen.

**As for dependent claims 10, 11:**

Claims 10, 11 contain similar substantial subject matter as claimed in claims 3, 4 and are respectfully rejected along the same rationale.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

The Examiner notes MPEP § 2144.01, that quotes In re Preda, 401 F.2d 825, 159 USPQ 342, 344 (CCPA 1968) as stating "in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." Further MPEP 2123, states that "a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. Merck & Co. v. Biocraft Laboratories, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989).

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Phantana-angkool whose telephone number is 571-272-2673. The examiner can normally be reached on M-F, 9:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP



**WEILUN LO**  
**SUPERVISORY PATENT EXAMINER**